

This record is a partial extract of the original cable. The full text of the original cable is not available.

031419Z Nov 00

CONFIDENTIAL PTQ7856

PAGE 01 HARARE 06219 01 OF 02 031420Z
ACTION AF-00

INFO	LOG-00	NP-00	ACQ-00	CIAE-00	DODE-00	SRPP-00	DS-00
	VC-00	H-01	TEDE-00	INR-00	IO-00	L-00	VCE-00
	AC-01	NSAE-00	NSCE-00	OMB-01	PA-00	PM-00	PRS-00
	ACE-00	P-00	SP-00	SSO-00	SS-00	TRSE-00	T-00
	USIE-00	PMB-00	DSCC-00	DRL-02	G-00	NFAT-00	SAS-00
	/005W						

-----9A7912 031421Z /38
FM AMEMBASSY HARARE
TO SECSTATE WASHDC IMMEDIATE 7549

C O N F I D E N T I A L SECTION 01 OF 02 HARARE 006219

SIPDIS

E.O. 12958: DECL: 11/03/2010
TAGS: [PREL](#) [ZI](#)
SUBJECT: SENIOR MINISTRY OF FOREIGN AFFAIRS OFFICIAL
REQUESTS DEPARTMENT'S ASSISTANCE IN SUPPRESSING LAWSUIT
AGAINST PRESIDENT MUGABE

CLASSIFIED BY AMBASSADOR TOM MCDONALD FOR REASONS 1.5
(B) AND (D).

1. (C) MINISTRY OF FOREIGN AFFAIRS (MFA) PERMANENT
SECRETARY WILLARD CHIWewe REQUESTED THAT AMBASSADOR

SIPDIS
MCDONALD COME TO THE MFA ON NOVEMBER 3 TO RECEIVE THE
TEXT OF A DIPLOMATIC NOTE, WHEREIN THE GOZ ASKS FOR THE
DEPARTMENT'S INTERVENTION TO PREVENT A CIVIL SUIT FILED
AGAINST PRESIDENT MUGABE IN THE UNITED STATES, ON THE
CONFIDENTIAL

PAGE 02 HARARE 06219 01 OF 02 031420Z
BASIS OF "ALLEGATIONS," FROM GOING FORWARD. THE
PERMANENT SECRETARY STATED THAT HIS GOVERNMENT HAD TAKEN
NOTE OF THE ABSENCE OF CRITICAL STATEMENTS AGAINST
ZIMBABWE FROM THE USG IN THE LAST SIX MONTHS,
COMPLIMENTED THE ADMINISTRATION FOR MAKING NO PUBLIC
CALLS FOR ENACTMENT OF THE ZIMBABWE DEMOCRACY ACT, AND,
WITH RESPECT TO RESOLVING THE CONFLICT IN THE DEMOCRATIC
REPUBLIC OF THE CONGO, OBSERVED THE TWO COUNTRIES AGREED
ON 90% OF ALL MATTERS PERTAINING THERETO. IT WAS IN
THIS SPIRIT, THE PERMANENT SECRETARY OBSERVED, THAT HE
HANDED THE NOTE TO THE AMBASSADOR. HE CONTINUED THAT
HIS GOVERNMENT WAS CONFIDENT, BASED ON STATEMENTS MADE
BY DEPARTMENT OF STATE PERSONNEL, THAT THE USG HAD THE
"APPARATUS" TO BLOCK PROSECUTION OF THE SUIT IN THE
FEDERAL OR ANY OTHER COURT. HE STATED CATEGORICALLY,
MAKING "THE FUNDAMENTAL POINT," THAT THE GOVERNMENT OF
ZIMBABWE WILL NOT DEFEND ITSELF IN THE CASE. HE CLOSED
BY STATING THAT HE HOPED THAT THE USG WOULD LIVE UP TO
ITS "SOVEREIGN RESPONSIBILITY" IN THIS CONNECTION.

12. (C) AMBASSADOR MCDONALD RESPONDED THAT HE HAD NOTED
THE PERMANENT SECRETARY'S CONCERNS BUT WAS ENJOINED FROM
MAKING FURTHER SUBSTANTIVE COMMENT, DESPITE HIS OWN
BACKGROUND AS A LAWYER. HE OBSERVED THAT, WHEN THE CASE
FIRST BECAME PUBLIC, THE DEPARTMENT OF STATE HAD SAID IT
WAS WILLING TO ASSIST THE GOVERNMENT OF ZIMBABWE IN THE
MATTER. HE UNDERTOOK TO TRANSMIT THE TEXT OF THE NOTE
IMMEDIATELY TO THE DEPARTMENT OF STATE.

12. (SBU) BEGIN TEXT OF DIPLOMATIC NOTE.

CONFIDENTIAL

PAGE 03 HARARE 06219 01 OF 02 031420Z
THE MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF
ZIMBABWE PRESENTS ITS COMPLIMENTS TO THE EMBASSY OF THE
UNITED STATES OF AMERICA AND HAS THE HONOUR TO REQUEST
THAT THE FOLLOWING URGENT COMMUNICATION BE TRANSMITTED
TO THE GOVERNMENT OF THE UNITED STATES OF AMERICA.

THE GOVERNMENT OF THE REPUBLIC OF ZIMBABWE NOTES WITH
GRAVE CONCERN REPORTS THAT A CIVIL SUIT HAS BEEN FILED
IN A COURT IN THE TERRITORY OF THE UNITED STATES AGAINST
THE PRESIDENT AND HEAD OF STATE OF THE REPUBLIC OF
ZIMBABWE, HIS EXCELLENCY MR. ROBERT GABRIEL MUGABE, AND
TWO MINISTERS OF THE GOVERNMENT OF ZIMBABWE HON. I.S.G.
MUDENGE, MINISTER OF FOREIGN AFFAIRS AND HON. J. MOYO,
MINISTER OF INFORMATION AND PUBLICITY BY PLAINTIFFS FROM
ZIMBABWE ALLEGING THAT WRONGS WERE COMMITTED AGAINST
THEM IN THE TERRITORY OF THE REPUBLIC OF ZIMBABWE.

THE GOVERNMENT STRONGLY PROTESTS THE ENTERTAINING OF SUCH A SUIT BY COURTS OF LAW IN THE TERRITORY OF THE UNITED STATES OF AMERICA AS SUCH ACTION CONSTITUTES AN ATTEMPT BY COURTS IN THE UNITED STATES TO ASSERT EXTRA-TERRITORIAL JURISDICTION AND AUTHORITY OVER ZIMBABWE. THE ATTENDANT HARASSMENT OF THE PERSON AND OFFICE OF THE PRESIDENT AND HEAD OF STATE OF ZIMBABWE, HIS EXCELLENCY ROBERT GABRIEL MUGABE AND OF THE HONOURABLE MINISTERS ACCOMPANYING HIM DURING AN OFFICIAL VISIT TO NEW YORK TO ATTEND THE UNITED NATIONS MILLENNIUM (SIC) VIOLATES INTERNATIONAL NORMS, PRACTICE AND OBLIGATIONS RELATING TO THE DIPLOMATIC IMMUNITY AND THE PROTECTION OF VISITING HEADS OF SOVEREIGN STATES WHILE IN THE TERRITORY OF ANOTHER STATE.

CONFIDENTIAL

PAGE 04 HARARE 06219 01 OF 02 031420Z

THE GOVERNMENT OF THE REPUBLIC OF ZIMBABWE TAKES A DIM VIEW OF THE HARASSMENT AND PURPORTED PROSECUTION OF THE HEAD OF STATE OF ZIMBABWE AND HIS ENTOURAGE ON THE TERRITORY OF THE UNITED STATES OF AMERICA DURING THE UN MILLENNIUM SUMMIT THIS SEPTEMBER.

THE GOVERNMENT OF THE REPUBLIC OF ZIMBABWE STRONGLY URGES THE GOVERNMENT OF THE UNITED STATES OF AMERICA TO FULFIL ITS OBLIGATIONS UNDER INTERNATIONAL LAW AND EFFECTIVELY PROHIBIT THE COURTS OF LAW IN THE UNITED STATES FROM EXERCISING JURISDICTION OR SERVING ANY PROCESS OR COMMENCING OR CONDUCTING ANY AUTHORITY, POWER OR CLAIM AGAINST HIS EXCELLENCY PRESIDENT R.G. MUGABE AND THE TWO MINISTERS IN HIS ENTOURAGE.

THE U.S. COURTS SHOULD BE MADE TO UNDERSTAND AND RESPECT THE FACT AND PRINCIPLE THAT H.E. PRESIDENT R.G. MUGABE WAS COVERED FULLY UNDER DIPLOMATIC AND STATE IMMUNITY, A CARDINAL PRINCIPLE OF INTERNATIONAL LAW TO WHICH THE UNITED STATES OF AMERICA IS A PARTY.

THE GOVERNMENT OF THE REPUBLIC OF ZIMBABWE PROCEEDS UPON

CONFIDENTIAL

CONFIDENTIAL PTQ7857

PAGE 01 HARARE 06219 02 OF 02 031420Z
ACTION AF-00

INFO	LOG-00	NP-00	ACQ-00	CIAE-00	DODE-00	SRPP-00	DS-00
	VC-00	H-01	TEDE-00	INR-00	L-00	VCE-00	AC-01
	NSAE-00	NSCE-00	OMB-01	PA-00	PM-00	PRS-00	ACE-00
	P-00	SP-00	SSO-00	SS-00	TRSE-00	T-00	USIE-00
	PMB-00	DSCC-00	DRL-02	G-00	NFAT-00	SAS-00	/005W

-----9A7914 031421Z /38

O 031419Z NOV 00
FM AMEMBASSY HARARE
TO SECSTATE WASHDC IMMEDIATE 7550

C O N F I D E N T I A L SECTION 02 OF 02 HARARE 006219

SIPDIS

E.O. 12958: DECL: 11/03/2010
TAGS: [PREL](#) [ZI](#)
SUBJECT: SENIOR MINISTRY OF FOREIGN AFFAIRS OFFICIAL REQUESTS DEPARTMENT'S ASSISTANCE IN SUPPRESSING LAWSUIT AGAINST PRESIDENT MUGABE

THE CONVICTION THAT IT SHALL NOT DEFEND ITSELF, AND THEREFORE HOLDS THE U.S. GOVERNMENT TO BE SOLELY RESPONSIBLE FOR ANY FURTHER EMBARRASSMENT WHICH H.E. PRESIDENT ROBERT MUGABE MAY STILL FACE IN THE REGARD.

ACCORDINGLY, THE GOVERNMENT OF ZIMBABWE CALLS UPON THE GOVERNMENT OF THE UNITED STATES OF AMERICA TO UNDERTAKE THE FOLLOWING ACTIONS:

1. INTERVENE TO ENSURE THAT UNITED STATES COURTS
CONFIDENTIAL

PAGE 02 HARARE 06219 02 OF 02 031420Z
FORTHWITH CEASE AND DESIST FROM ANY ACTION AGAINST THE PRESIDENT AND HEAD OF STATE OF THE REPUBLIC OF ZIMBABWE AND MINISTERS OF THE GOVERNMENT OF ZIMBABWE.

2. ENSURE THAT INCIDENTS AND PROCESSES WHICH INFRINGE UPON THE INVOLABILITY AND IMMUNITY OF THE HEAD OF STATE OF THE REPUBLIC OF ZIMBABWE FROM PROSECUTION OR UNDUE HARASSMENT BY UNITED STATES COURTS IN THE TERRITORY OF THE UNITED STATES OF AMERICA BE PREVENTED IN THE FUTURE.

THE GOVERNMENT OF THE REPUBLIC OF ZIMBABWE SEEKS FIRM ASSURANCES FROM THE GOVERNMENT OF THE UNITED STATES OF AMERICA IN BOTH INSTANCES.

THE MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF

ZIMBABWE AVAILS ITSELF OF THIS OPPORTUNITY TO RENEW TO
THE EMBASSY OF THE UNITED STATES OF AMERICA THE
ASSURANCES OF ITS HIGHEST CONSIDERATION.

HARARE

NOVEMBER 2000

END TEXT.

MCDONALD

CONFIDENTIAL

>